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Nos. 251 and 252.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

PANAMA CANAL COMPANY,

Petitioner,

v.

GRACE LINE, INC., *et al.*

GRACE LINE, INC., *et al.*,

Cross-Petitioners,

v.

PANAMA CANAL COMPANY.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

MOTION OF AFL-CIO MARITIME COMMITTEE FOR LEAVE TO FILE A BRIEF AS *AMICUS CURIAE.*

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AFL-CIO Maritime Committee respectfully moves for leave to file a brief as *amicus curiae* in this case. The attorneys for respondents cross-petitioners, Grace Line, Inc., *et al.* (herein "respondents") have consented to the filing,

but the Solicitor General on behalf of petitioner cross-respondent, Panama Canal Company (herein "petitioner"), has so far failed to answer a request for consent, and the failure is assumed to be a refusal.

The AFL-CIO Maritime Committee (herein "Committee") is an organization of long-established standing. It antedates by many years the formation of the AFL-CIO, but is today a recognized department of that federation. The headquarters of the committee are in Washington, D. C. Dedicated to advancing and protecting the interests of organized seamen employed aboard American flag vessels, the Committee actively oversees legislation, administrative and executive action, litigation, and many other public and private deeds that affect the lives of seamen. The Committee supports all sound programs to increase the number of operating American-flag vessels and otherwise improve the economic vitality of the American maritime industry with consequent benefit to the national interest and working forces who follow the sea as a calling.

Because this case may be the means for causing a substantial reduction in Panama Canal tolls, the Committee has a tangible interest in its outcome. Toll reduction is the long-awaited stimulus to intercoastal dry-cargo shipping, which has been languishing for years. An increase in this shipping means new desirable job opportunities for seamen. This is a welcome development because job shortage is a severely chronic condition of the maritime industry and shows signs only of worsening in the future. As a result newcomers to the employment market are discouraged from learning the crafts of seamanship and in time of national need there is danger of shortage of skilled seamen.

In its brief to this Court, petitioner argues that a decrease in Panama Canal tolls will cause railroads either

to lower their transcontinental freight rates or yield a substantial portion of long-haul traffic to water-borne carriers. This development, petitioner strongly implies, would undermine "national transportation policy."

The Committee is anxious to treat with this point as an *amicus*. Petitioner evidently favors the sacrifice of intercoastal shipping to the competitive advantage of railroads.

Statistics show a drastic decline in the volume of intercoastal traffic over the years. Many shipping companies have been forced to shut down operations altogether, with consequent sharp curtailment of job opportunities in the industry.

The Committee is of the firm conviction that the lowering of Panama Canal tolls in accordance with statutory mandates will directly promote rather than undermine "national transportation policy."

The only way that the Committee can insure that its position on the competing claims of the railroad and maritime industries will be presented to this Court is to intervene as an *amicus*. The Committee has not seen the brief that respondents will file in this Court, and there is no assurance that respondents will make the arguments the Committee wishes to make in the way the Committee wishes to make them. The Committee has no pecuniary interest in this case and is, therefore, in a better position than the actual litigants to set forth objectively the far-reaching economic impact of the decision, particularly as it affects seagoing personnel.

Additionally, the committee speaks from the broad concern of organized labor—a concern which so far has been unheard from in this case although bound to be profoundly affected by the outcome.

If leave to file a brief is granted, the committee respectfully requests that it be afforded two weeks from the date

of receipt of notice that the leave has been granted to complete, print, and file the brief. The last day for respondents to file their brief is March 22, 1958.

Respectfully submitted,

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